

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

PATRICK WAYNE MANNING, II)	
)	
Petitioner,)	
vs.)	NO. CIV-13-0990-HE
)	
STATE OF OKLAHOMA)	
)	
Respondent.)	

ORDER

Petitioner Patrick Wayne Manning, II, a state prisoner appearing pro se, filed this action pursuant to 28 U.S.C. § 2254 seeking habeas relief. The matter was referred for initial proceedings to Magistrate Judge Suzanne Mitchell consistent with 28 U.S.C. §636(b)(1)(B),(C). She has recommended that the action be transferred to the United States District Court for the Northern District of Oklahoma, where jurisdiction also exists because petitioner is challenging a conviction obtained in a state court located in that judicial district. 28 U.S.C. § 2241(d).¹ The magistrate judge noted that the “federal district courts in Oklahoma have had a longstanding policy favoring transferring habeas actions to the district of conviction,” because that is where the trial court officials and records are located. Also, if a hearing is required, trial counsel for the prosecution and any necessary witnesses should be available in the district where the conviction was obtained. Report and Recommendation, p. 2. Petitioner has responded to the Report and

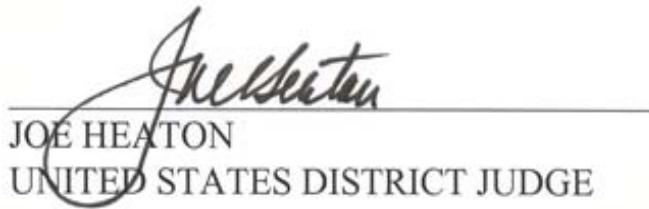
¹*Because the petitioner is incarcerated at the Lawton Correctional Facility, jurisdiction also exists in the Western District of Oklahoma. 28 U.S.C. § 2241(d).*

Recommendation advising the court that he does not object to the suggested transfer.²

Accordingly, the court adopts Magistrate Judge Mitchell's Report and Recommendation and **TRANSFERS** this case to the Northern District of Oklahoma for all further proceedings. 28 U.S.C. §2241(d).

IT IS SO ORDERED.

Dated this 1st day of November, 2013.



JOE HEATON
UNITED STATES DISTRICT JUDGE

²*Petitioner has apparently changed his mind, as the magistrate judge states in her Report and Recommendation that he had asked the court to retain the case.*